IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

-

WRIT PETITION NO : 19727 of 2004

Between:

1 Bonthu Venkataramana S/o B. Swami Naidu
Agriculturist R/o Boppadam Village,

Nellimarla Mandal, Vizianagaram District
2 Bonthu Govinda S/o B. Swami Naidu
Agriculturist R/o Boppadam Village,

Nellimarla Mandal, Vizianagaram District
3 Bonthu Mohan S/o B. Swami Naidu
Agriculturist R/o Boppadam Village,

Nellimarla Mandal, Vizianagaram District
4 Bonthu Suryanarayana S/o Surpunaidu
Agriculturist R/o Boppadam Village,

Nellimarla Mandal, Vizianagaram District
5 Appalanaidu S/o Surpunaidu
Agriculturist R/o Boppadam Village,

Nellimarla Mandal, Vizianagaram District

..... PETITIONERS

AND

The Mandal Revenue Officer,

Nellimarla (PO) and Mandal, Vizianagaram District

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order or direction in the nature of Mandamus declaring the action of the respondent in trying to dispossess the petitioners from their patta land in Sy. No. 107/6 situated in Boppadam Village, Nellimarla Mandal, Visakhapatnam District without acquiring the same under land Acquisition Act or without following due process of law as being illegal, unjust, arbitrary and violative of Article 14 of the constitution of India and the provisions of Land Acquisition Act.

Counsel for the Petitioner:MR.E.V.BHAGIRATHA RAO

Counsel for the Respondent: GP FOR REVENUE

The Court at the stage of admission made the following ORDER:

No cause of action arises to entertain the writ petition on the alleged ground that the respondent is trying to evict the petitioners from their land highhandedly without acquiring the same under Land Acquisition Act.

The petitioners were already issued a notice to appear for the enquiry to prove their possession, for which, the petitioners said to have been appeared before the respondent and proved their right over the land by filing registered sale deed etc.

If that be the case, the respondent is expected to follow the procedure and without following such procedure, cannot evict the petitioners from the land.

With the above observation, the writ petition is dismissed. No costs.

28th OCTOBER, 2004.

Note: furnish c.c. in two days.

B/o

kvni

To

1 The Mandal Revenue Officer,

Nellimarla (PO) and Mandal, Vizianagaram District

2 Two CCs to the Government Pleader for Revenue, A.P.High Court Buildings, Hyderabad (OUT)

3 Two CD copies.